

WirelessEstimator.com has been requested by the undersigned, Ms. Leilani T. Phillips and Mr. John Hettish, to submit their comments and recommendations to the Federal Communications Commission regarding:

**WT Docket No. 03-187, FCC 06-164, Notice of Proposed Rulemaking,
“Effects of Communication Towers on Migratory Birds”**

According to FCC NRPM WT Docket No. 03-187, the Department of Interior, US Fish and Wildlife Service estimates that between 4 and 50 million migratory birds COULD be dying each year as a result of collisions with communications towers. That’s a delta of 46 million.

There is no scientific evidence presented. As a matter of fact, they willingly admit the near impossibility in counting and identifying just endangered migratory birds whose deaths were caused by a collision with a communications tower.

There seems to be no concern for those birds which die from flying into windows, buildings, bridges, cars and trucks. Most likely because there is no one single Federal Agency which can be extorted or coerced into regulating those other dangers.

The theory presented was the increase in bird deaths coinciding with the increase of the number of communication towers. This philosophy, also known as post hoc ergo procto hoc (Latin for you happened around the same time, you must be the cause) while a good starting point for a thesis is hardly conclusive evidence.

What other things, events, natural occurrences increased in the same time period? Could global warming have anything to do with it? The cost to the tower owners and the telecommunications industry is tangible, countable, even predictable.

It’s a hefty sentence on a guilty verdict without due process. Before the American Bird Conservancy, et. al. points the finger at the telecommunications industry and the FCC imposes punishment, shouldn’t it first be established, what if anything is killing the birds?

To speak against these regulations is taking the risk of being characterized unfeeling, inhumane and insensitive to all things nature. I am going to take that risk. Not only do I believe that there is no mass killing of migratory birds by communications towers, I do not believe that lighting them with medium intensity light would be the answer to the problem.

I’m not an ornithologist. When migratory birds fly at night, are they using eye sight as their navigation? It’s been discovered that they use a sort of calling system to locate each other which is different from the sounds they make during the day. They could be using this system to keep from crashing into each other and things, in which case the lack of lighting isn’t the problem at all. [Jim Metzner, American Museum of Natural History, Pulse of the Planet Program #1464 October 1997]

I have been working in the wireless industry for almost a decade now. I’ve been all over the country negotiating leases for towers, telecommunications sites and collocations and have argued countless times in front of many zoning boards in jurisdictions large and small.

Towers are very difficult to gain approval for in almost any town in the U.S. Small towns and cities have adopted lengthy and expensive approval processes or compliance regulations that are unattainable in order to keep them out as much as possible. They are viewed as an eyesore, nuisance and sometimes health hazard. Adding more regulations or restrictions is going to make this problem even worse.

It already takes 18 months to 3 years to get zoning approvals on towers in some parts of this country. A NEPA report must be submitted proving that there will be no adverse effects to the surrounding environment. SHPO is required to insure that the tower will not interfere with the historical surroundings.

There are fall zones, neighborhood notifications and meetings. FAA application and approval. Even the small towns often require MPE and RF Intermod studies to prove that the Radio Frequency emitted from the antennas will not cause harm to any person, thing or television reception. Stealthing measures are required by many communities and large cities.

I've even had a township request the tower be made to look like a dead tree. Yes, that's right so that it would blend in even in the winter. The problem with that being that a dead tree does not have leaves to hide the antennas.

Lighting every tower will mean that some of the tower lighting will beam directly into Mr. & Mrs. Small Town's bedroom window all night every night. Blinking and blazing like a blinking light house beacon.

Where will they turn? Who will help them resolve this issue? No one. They can't pick up their house and turn it away from the annoyance. So for the possibility that a tower might some day be the cause of a death to even a single migratory bird Mr. & Mrs. Small Town will have to sell their home which has been in their family for several generations or paint their windows black. (Which I'm not even sure will work.)

I do not disagree that the FCC has some responsibility to regulate the towers; however, too much regulation will kill what has become a very necessary and important part of emergency services, police, fire and rescue.

The worry here is not whether or not two teenagers can find each other in the mall. It's if you or your spouse or child should need an ambulance how many precious minutes are saved by the cell phone? Have we forgotten already the calls that were made from flight 93 before it crashed in Shanksville? Would that have been possible without towers? That's what is really at risk.

The FCC should not move forward with imposing any additional restrictions until such time as more scientific evidence is presented and research has been conducted on avian fatalities. Every Federal Government agency has the responsibility to perform its duties in accordance with due process and not on the basis of rumor.

To impose additional financial burdens on the entire telecommunications industry at this time is Napoleonic.

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Concerning Avian Death due to Collision with Communications Tower the main question seems to be where are these dead birds? As an (still) active tower climbing technician I have never seen masses of dead birds at any of the thousands of towers sites I've visited during my career. I may have seen ten dead birds during my entire thirty-five year career but no more and never more than one at a time.

I once had a discussion with a broadcast engineer who wanted to create some tower climber safety rule for a large client of his. When I pointed out to him that his rule didn't address any real problem and that no one had ever been hurt during the activity he was describing his reply was, "just because no one has been hurt doesn't mean we shouldn't make a rule". Is this what FCC NRPM WT Docket No. 03-187 is attempting to do? There is no proof however there "might" be a problem so we need to create new rules to cover the eventuality regardless of the cost?

It would seem the proper thing to do would be to base rule making on documented factual data not on a special interest group's agenda. I have seen only a small bit of well documented data concerning bird deaths around towers and that bit of data was created around a tower site I've visited many times during the last 20 years, WSMV-TV in Nashville Tennessee. This study was conducted from 1960 (three years after the 1368 foot tall tower was constructed) until 1997. The data collected in Nashville was gathered primarily by the efforts of three dedicated female volunteers with the complete cooperation of the tower's owners. Their data indicated over 11,000 birds killed in 1960 yet that number had fallen steadily to 606 by 1980.

This data is available on the internet at towerkill.com, a web site that is issuing the alarming cry that birds are dying all over the US from collisions with communications towers. However this particular study provides virtually the only verifiable information that the authors of the site can provide. It is possible to search by state for similar data on the web site. Doing so produces no data in all but a hand full of localities and those studies can't begin to compare to the WSMV study.

Clearly, if the US Fish and Wildlife Service see Avian mortality due to collision with communications towers as a significant problem they should commission a true study of the problem using unbiased observers. Personally, I have seen no large numbers of dead birds around or in the vicinity of tower sites at any time during my thirty-five years of tower work but I'd be more than happy to report any findings I might have in the future to a bona fide organization investigating the issue. It might be concluded that as a professional tower technician I might keep such information to myself if I had noticed but I can assure you that I would be joining those who clamor for rule changes if I had ever seen large numbers of dead birds at or around communications tower sites.

My deceased mother was a long time president of her local Ornithological society and quite active as a Tennessee Ornithological Society member. A love of birds lies deep within me. A week ago I was privileged to see a Hawk take off from an antenna mount at 300 feet above the ground. He hadn't been aware that I was ascending and I hadn't been aware he was perched atop the tower. What a beautiful site he was. My wife and I have four bird feeders which we keep stocked with food for any and all hungry birds. Like many in my field I have no desire to see communications towers

become death traps for any animal, feathered or furry.

However I see no problem requiring a fix.

John Hettish

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